

REMARKS

The last Office Action has been carefully considered.

It is noted that Claims 21-25, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom (US 2,205,028) in view of Shen (US 4,988,319).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom and Shen as applied to claim 21 above, and further in view of Wachtel (US 5,190,490).

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom and Shen as applied to claim 21 above, and further in view of Pick (US 2,711,051).

Claims 33, 41-44, 46 and 49 are rejected under 35 U.S. 103(a) as being unpatentable over Bloxom (US 2,205,028) in view of Fusco (US 7,086,920).

Claims 33, 41-44, 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom (US 2,205,028) in view of Fusco (US 7,086,920).

Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom and Fusco as applied to claim 33 above, and further in view of Pick (US 2,711,051).

After carefully considering the Examiner's grounds for the rejection of the claims, claims 21 and 22 have been amended to more clearly distinguish the present invention from the prior art, and added new claims 50-52.

Claim 21 as amended specifically defines a soap bubble blowing device, comprising the following components:

a tube having one end from which air is supplied and another end at which air bubbles are generated,

    said tube having apertures for air inflow,

    said tube having a wall with an outer surface provided with folds which form the outer surface including alternating protrusions and recesses;

    a lid with a built-in nipple and a container for a composition,

the tube is inserted into said lid with a gap between a wall of said lid and said tube.

Claim 21, in addition to other features, defines that the tube is inserted into the lid with a gap between a wall of the lid and the tube.

This provides a more uniform supply of air during blowing of the bubbles, since after exhaling when it is necessary to inhale air into lungs for next exhaling, when a bubble reduces due to surface tension, the gap impedes air flow from the bubble, because it must change the direction of movement to the opposite one. Speed reduction of flowing out of air from the bubbles takes place between the successive exhales, and it allows to blow a big bubble by multiple exhales and uniformity pumping of air.

In contrast in the U.S. patent to Bloxom the pumping of air has a pulsating nature, and the bubble reduces between exhales and can break from oscillating movements of exhale pulses.

Also, the arrangement of the lid with the gap relative to the tube provides a protection of hands and clothes from flowing out solution on the exterior surface of the pipe when the device is oriented horizontally or inclined upwardly.

In the same condition, the device of the Bloxom patent must be oriented with the inclination downwardly, which does not allow blowing of bubbles with a high size.

When the lid is held by a hand, it is warmed from the hand. Air, when it is passing in the gap, is warmed between the lid and the pipes. It is additionally warmed from heat of the hand, which increases a lifting force of the bubble, and the bubble flies higher.

The new feature of the present invention is not disclosed in the references applied against the original claims; and the references do not have any hint, suggestion or motivation for this feature. To arrive at the present invention, the references have to be fundamentally modified by including into them the new features of the present invention, which were first proposed by the applicants. However, it is known that in order to arrive at a claimed invention, by modifying the references cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in *re Randolph and Redford* (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

As also explained above, the new features of the present invention they provide for the highly advantageous results. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish applicant's results which cannot be accomplished by the references. This was stated by the Patent Office Board of Appeals in the case *Ex parte Tanaka, Marushma, and Takahashi* (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicant's result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

Claim 21 should be considered as patentably distinguishing over the art and should be allowed.

Claim 22 defines the transverse ledge at the bottom end of the pipe, which prevents flowing the solution down and out, since the solution is confined in small receptacles which are limited by the ledge from below and by profrusion on the surfaces of the pipe. The solution is supplied from these receptacles onto the film of the bubble. This allows to accumulate a significant

quantity of the solution to blow a big bubble, since the larger is the bubble, the most solution it needs.

Claim 22 defines the device which is also unobvious and highly advantageous, and this claim also should be considered as patentably distinguishing over the art and should be allowed.

As for the other claims, these claims depend on claim 21, they define their additional features and share its allowable features, and they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,



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